

UNITED STATES DISTRICT COURT
For the
DISTRICT OF MASSACHUSETTS

GEORGE MICHAEL DOWD,)	
)	
Plaintiff,)	Civil Action No.
vs.)	04-11925 NG
)	
JAMES DOWD,)	
)	
Defendant.)	
)	

STIPULATION OF THE PARTIES AND REQUEST FOR ORDER

The parties to the within action hereby stipulate as follows and request that it be adopted as an order of the Court:

1. In lieu of motion practice under Fed. R. Civ. P. 12(e) and 12(f), and within fourteen calendar days from the date of the order adopting this stipulation as the order of the Court, the plaintiff will file and serve an amended complaint that sets forth a more definite statement of the claim and that, in addition, omits the allegations of paragraph number 8 of the present complaint.
2. An appearance having been filed on behalf of the defendant, no default may enter, and no response to the complaint will be required from the defendant, until twenty days after service, under Rule 5, of the amended complaint that is to be filed under paragraph one hereof.
3. Should the plaintiff not file, by its due date, the amended complaint called for under paragraph 1, the defendant shall have ten calendar days thereafter to file and serve a motion for a more definite statement.
4. For the purposes of determining plaintiff's compliance with this stipulation and the accompanying order, the amended complaint shall set forth the material terms of each and every contract or agreement on which the plaintiff relies, as well as whether it is alleged that the contract(s) was or were in writing, and in a plain and concise statement, the

circumstances upon which any claim of restitution, unjust enrichment and/or quantum meruit is made.

The Defendant,
JAMES DOWD
By his attorneys

/s/ Paul M. Rezendes

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The Plaintiff,
GEORGE MICHAEL DOWD
By his attorney

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Dated: January 4, 2005